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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

FILED

DEC - 9 2003

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_ Deputy

ROBERT N. GOLDSTEIN,  
GOLDSTEIN/HABEEB  
ENTERTAINMENT, INC., and  
CHEATERS, LTD.,  
Plaintiffs

vs.

TOMMY HABEEB,  
Defendant.

CAUSE NO. 3:03-CV-0266N

**DEFENDANT'S WITNESS AND EXHIBIT LIST**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Tommy Habeeb, Defendant, and presents this list of witnesses and exhibits for trial as follows:

**I.**  
**LIST OF WITNESSES**

1. Tommy Habeeb will testify as to the relationship between the parties, the development of the Cheaters concept and program, and will otherwise testify as to defensive matters related to Plaintiff's claims. It is believed that Mr. Habeeb's testimony will take one day.
2. Robert Goldstein is expected to confirm the testimony of Habeeb. It is believed that Mr. Goldstein's testimony will take one day.

**II.**  
**LIST OF THE EXHIBITS**

1. 8/25/1999 Shareholders Agreement;
2. The License Agreement;
3. 10/27/2000 Shareholders Agreement;

4. 11/28/2001 Email to Habeeb from Goldstein regarding revocation of license;
5. Cheater's, Ltd. Limited Partnership Agreement;
6. February, 2003 letter from Sorenson to limited partners.

Respectfully submitted,

**BERGMAN & BIRD, L.L.P.**

By:

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State Bar No. 02196300

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**ATTORNEYS FOR DEFENDANT**

**CERTIFICATE OF SERVICE**

This will certify that a true and correct copy of the foregoing Defendant's Witness and Exhibit List was served upon Timothy Sorenson, 1717 Main Street, Suite 5500, LB #49, Dallas, Texas 75201 in accordance with the Texas Rules of Civil Procedure on this 2<sup>nd</sup> day of December, 2003.

Andrew A. Bergman